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2                   UNITED STATES DISTRICT COURT  
3                   NORTHERN DISTRICT OF CALIFORNIA  
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5                   IRINA KRYLOVA,  
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7                   Plaintiff(s),

No. C 12-4120 PJH

8                   v.  
9

**ORDER RE MOTION TO DISMISS**

10                   GENENTECH INC.,  
11

12                   Defendant(s).  
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14                   The court is in receipt of a letter filed today by Richard M. Rogers, counsel for  
15 plaintiff Irina Krylova in the above-captioned matter. The letter states that plaintiff has filed  
16 a first amended complaint "pursuant to written agreement," and that "[t]he parties assume  
17 that the motion to dismiss will be dropped from the November 28, 2012 calendar." See Dkt.  
18 24. However, because plaintiff may no longer file an amended complaint as a matter of  
19 course under Rule 15(a), plaintiff must file a stipulation containing "the opposing party's  
20 written consent" to file the amended complaint. Until such a stipulation is filed, plaintiff's  
21 amended complaint will not be accepted. Further, in order to vacate the November 28  
22 hearing, defendant Genentech Inc. must file a notice of withdrawal of its motion to dismiss.  
23 Plaintiff has until 5 p.m. today to submit a stipulation to file an amended complaint, and  
24 defendant has until 5 p.m. today to file a notice of withdrawal of its motion to dismiss. If  
25 defendant's motion is not properly withdrawn, both parties are ordered to appear at the  
26 previously-noticed hearing.

27                   **IT IS SO ORDERED.**

28                   Dated: November 27, 2012

  
27                   PHYLЛИS J. HAMILTON  
28                   United States District Judge